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|--------------------------------|-------------|----------------------|---------------------|------------------|
| 10/593,469                     | 09/29/2008  | David George Gordon  | Q96948              | 2757             |
| 23373 7590 03/31/2011          |             |                      |                     |                  |
| SUGHRUE MION, PLLC             |             |                      |                     |                  |
| 2100 PENNSYLVANIA AVENUE, N.W. |             |                      |                     |                  |
| SUITE 800                      |             |                      |                     |                  |
| WASHINGTON, DC 20037           |             |                      |                     |                  |
| EXAMINER                       |             |                      |                     |                  |
| BATAILLE, PIERRE MICHEL        |             |                      |                     |                  |
| ART UNIT                       |             | PAPER NUMBER         |                     |                  |
| 2186                           |             |                      |                     |                  |
| NOTIFICATION DATE              |             | DELIVERY MODE        |                     |                  |
| 03/31/2011                     |             | ELECTRONIC           |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com  
PPROCESSING@SUGHRUE.COM  
USPTO@SUGHRUE.COM

# Office Action Summary

**Application No.**

10/593,469

**Applicant(s)**

GEORGE GORDON, DAVID

**Examiner**

Pierre-Michel Bataille

**Art Unit**

2186

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/19/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-6 are present in the application under prosecution and have been examined.
2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors.

The disclosure is objected to because of the following.

"The recitation "polarity" (claims 1, 5, and 6) appears to be "plurality".

Claim 4 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 3. See MPEP § 608.01(n). A multiple dependent claim cannot be dependent on another multiple dependent claim.

It is noticed in the disclosure existence of typographical errors. Note that "program" (specification and the claims) should be changed to "program'.

The specification fails to include section heading as provided in 37 CFR 1.77(b).

Please note that these are merely exemplary. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

**Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by EP0489204A1 (Lloyd-Jones).

With respect to claims 1 and 5, Lloyd-Jones discloses the invention as claimed, non-volatile memory system comprising: non-volatile memory divided into a plurality of segments each segment having an address in an address space (**reprogrammable data storage device having two or more memories with independently erasable and/or updatable portions**) [Col. 12, Lines 37-43]; means for copying any one segment to be reprogrammed into a first RAM, the first RAM having a size at least equal to the segment size (**read/write means for reading and writing programming code into rewritable memory, such as static RAM 19, Fig. 1**) Col. 3. Lines 18-40], a second RAM for holding a reprogrammed code (**data buffer memory (15, Fig. 1) for**

**accumulating new program code prior to reprogramming the flash memory) [Col. 3, Lines 2-16], writing means for writing the reprogrammed code from the second RAM into the at least one segment to be reprogrammed (read/write means for writing or transferring the new program code from the buffer into the non-volatile flash memory) Col. 2 Line 57 to Col. 3. Line 1], and control means arranged to enable execution of the program from the first RAM during the reprogramming (processing means to control processing of the code available for operation during the transfer of the new code) [Col. 3, Lines 2-9, Lines 34-48; Col. 11, Lines 45-48].**

With respect to claim 2, Lloyd-Jones discloses the reprogrammable data storage device wherein the segments are substantially equal in size **(two or more memories with independently erasable and/or updatable portions) [Col. 12, Lines 37-43; Col. 5, Lines 34-40].**

With respect to claim 3, Lloyd-Jones discloses the reprogrammable data storage device wherein each segment contains some unused space **[Col. 5, Lines 34-40].**

With respect to claim 4, Lloyd-Jones discloses the reprogrammable data storage device wherein the control means comprises internal logic components **(program control processor, control and processing electronics arranged to control reprogramming of the flash memory) [abstract; Col. 2, Lines 45-50].**

With respect to claim 6 Lloyd-Jones discloses the reprogrammable data storage device user interface for guiding a user through a reprogramming of a non-volatile solid state memory system comprising a plurality of segments each segment having an address in an address space, two RAMs each at least equal in size to a single memory segment, and control means capable of enabling the execution of the program from the first RAM during the reprogramming, the user interface comprising: a graphical representation of the imbedded processor showing the contents of each segment, means for selecting the segment to be reprogrammed (**reprogrammable data storage device having two or more memories with independently erasable and/or updatable portions having read/write means for reading and writing programming code into rewritable memory, such as static RAM and having read/write means for writing or transferring the new program code from the buffer into the non-volatile flash memory**) [Col. 12, Lines 37-43; Col. 2 Line 57 to Col. 3. Line 40]

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 7,165,247 (Plummer) teaching upgrading software held in read-only storage.

US 5,600,801 (Parks et al) teaching processor transferring an expansion BIOS and pattern stored in the non-volatile memory to first and second portions, respectively, of the memory space of a dual ported RAM, updates to the expansion BIOS are

transferred to a fourth portion of the memory space where the processor transfers the updates to the non-volatile memory.

US 5,960,445 (Tamori et al) teaching a current version BIOS stored in a first bank of a flash ROM is moved to a second bank of the flash ROM, and a new BIOS supplied from a home server to a network interface card is stored in the first bank to complete BIOS updating such that if the new BIOS does not run well, the old BIOS in the second bank of the flash ROM is moved to the first bank through a RAM to be reinstalled.

#### ***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Michel Bataille whose telephone number is (571) 272-4178. The examiner can normally be reached on Mon-Fri (8:00A to 5:30P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pierre-Michel Bataille  
Primary Examiner  
Art Unit 2186

/Pierre-Michel Bataille/  
Primary Examiner, Art Unit 2186